

ESTTA Tracking number: **ESTTA534964**

Filing date: **04/29/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Application Serial No.	85520148 <i>85980011</i>
Applicant	The Coleman Company, Inc.

Notice of Appeal

Notice is hereby given that The Coleman Company, Inc. appeals to the Trademark Trial and Appeal Board the refusal to register the mark depicted in Application Serial No. 85520148.

Applicant has filed a request for reconsideration of the refusal to register, and requests suspension of the appeal pending consideration of the request by the Examining Attorney.

The refusal to register has been appealed as to the following class of goods/services:

- Class 021.

All goods and services in the class are appealed, namely: Food and drink containers for domestic use; portable water carriers, namely, reusable plastic water bottles and jugs sold empty; insulating sleeve holders for beverage cans; squeeze bottles sold empty; dispensers for disposable cups; portable coolers and jugs of both rigid and fabric construction

Respectfully submitted,

/Seth I. Appel/

04/29/2013

Janet A. Marvel and Seth I. Appel

Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP

311 South Wacker Drive, Suite 5000

Chicago, IL 60606

UNITED STATES

jam@pattishall.com, sia@pattishall.com, lkn@pattishall.com, sms@pattishall.com

(312) 554-8000

To: The Coleman Company, Inc. (jmarvel@pattishall.com)
Subject: TRADEMARK APPLICATION NO. 85520148 - THE COOLER COMPANY - N/A
Sent: 09/16/13 05:05:52 PM
Sent As: ecomitu@uspto.gov
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 85520148

85520148

APPLICANT: The Coleman Company, Inc.

CORRESPONDENT'S ADDRESS:

Janet A. Marvel
PATTISHALL, MCAULIFFE, NEWBURY, HILLIAR
200 South Wacker Drive, Suite 2900
CHICAGO IL 60606-6631

MARK: THE COOLER COMPANY

CORRESPONDENT'S REFERENCE/DOCKET NO. N/A

CORRESPONDENT'S EMAIL ADDRESS:

jmarvel@pattishall.com

NOTICE OF DIVISIONAL REQUEST COMPLETED

ISSUE/MAILING DATE: 9/16/2013

U.S. Serial Number 85520148

The request to divide application serial no. 85/520148 filed on August 21, 2013 has been processed as follows:

(1) Parent (original) application serial no. 85/520148 contains the following goods/services/class(es): 21 Insulating sleeve holders for beverage cans .

(2) Child application serial no. 85/980011 contains the following goods/services/class(es): 21 Food and drink containers for domestic use; portable water carriers, namely, jugs sold empty; portable coolers and jugs of both rigid and fabric construction . An amendment to allege use filed on August 21, 2013 has been placed in the child application and routed to the examining attorney for review.

37 C.F.R. §2.87; *see* TMEP §§1110 *et seq.*

The examining attorney will be notified of the completed request to divide. Please note that the filing of a request to divide an application is not considered a proper response to an examining attorney's Office action and does not relieve an applicant of the duty to respond to any outstanding Office action or to take any other required action. 37 C.F.R. §2.87(e); TMEP §1110.05.

Please call the undersigned with any questions.

/Carolyn King/
Paralegal Specialist
Intent to Use Divisional Unit
Ph 571-272-9505
Fax 571-273-9505

NO RESPONSE TO THIS NOTICE IS REQUIRED.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Status and Document Retrieval (TSDR) at <http://tsdr.uspto.gov/>. Please keep a copy of the complete status screen. If TSDR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at
<http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED ITU STAFF
MEMBER IDENTIFIED ABOVE.

To: The Coleman Company, Inc. (jmarvel@pattishall.com)
Subject: TRADEMARK APPLICATION NO. 85520148 - THE COOLER COMPANY - N/A
Sent: 09/16/13 05:05:52 PM
Sent As: ecomitu@uspto.gov
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 09/16/2013 FOR
APPLICATION SERIAL NO. 85520148

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link

<http://tsdr.uspto.gov/view.action?DDA=Y&sn=85520148&type=OOA&date=20130916>

(or copy and paste this URL into the address field of your browser), or visit <http://tsdr.uspto.gov/> and enter the application serial number to access the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required, (2) how to respond and (3) the applicable response time period. Your response deadline will be calculated from.

Do NOT hit 'Reply' to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For technical assistance in accessing the Office action, please e-mail tsdr@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

1. The USPTO will NOT send a separate e-mail with the Office action attached.
2. Failure to file any required response by the applicable deadline will result in the ABANDONMENT of your application.

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

MAILED: April 29, 2013
IN RE: The Coleman Company, Inc.
SERIAL NO. 85520148
APPEAL RECEIVED: 04/29/2013
BRIEF DUE: n/a

Janet A. Marvel and Seth I. Appel
Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP
311 South Wacker Drive, Suite 5000
Chicago IL 60606

ESTTA534964

The appeal and appeal fee in the above-entitled application were received on the date indicated above. Applicant has checked the request for reconsideration box on the ESTTA form, thereby indicating that it has filed or is filing today a request for reconsideration of the final refusal to register. Applicant should notify the Board immediately if it has not filed a timely request for reconsideration and does not intend to do so.

A request for reconsideration, which may or may not include an amendment, must be filed with the Trademark

Examining Operation, and may be filed via TEAS, using the Response to Office Action form.¹

In view of the filing of the request for reconsideration/amendment, the appeal is hereby instituted, but action on the appeal is suspended and the application is remanded to the examining attorney to consider the request for reconsideration/amendment.

If registrability is found on the basis of the request for reconsideration/amendment, the appeal will be moot. In the event the refusal of registration is maintained, and assuming that the request for reconsideration/amendment does not raise a new issue, the application will be returned to the Board, proceedings in the appeal will be resumed, and applicant will be allowed time in which to file an appeal brief. If the request for reconsideration/amendment raises a new issue, the examining attorney may not issue a final refusal until the applicant has been given an opportunity to respond. Upon issuance of a final refusal, proceedings in the appeal will be resumed, and applicant will be allowed time in which to file an appeal brief. An Amendment to Allege Use will be treated in the same manner as any amendment; if registrability is

¹ (To maintain their status, TEAS Plus applicants must use TEAS for filing a request for reconsideration.)

found on the basis of the AAU, the appeal will be moot; if the AAU raises a new issue, the examining attorney may not make a refusal final until applicant has been given an opportunity to respond.

Request to Divide

If, in addition to filing a notice of appeal and request for reconsideration/amendment, applicant has also filed a request to divide the application, the appeal is instituted, proceedings are suspended, and the application is remanded to the examining attorney. The examining attorney should forward the application to the ITU/Divisional Unit of the Office to act on the request to divide. After the request to divide is processed, the examining attorney should consider the request for reconsideration/amendment. If registrability is found on the basis of the request for reconsideration/amendment, the appeal will be moot. If the refusal of registration is maintained,² the divided file containing classes for which an appeal has been filed should be returned to the Board, and the Board will then resume proceedings in the appeal and allow applicant time to file an appeal brief. The file for which no appeal has been taken should be treated by the

examining attorney in the same manner as any request for reconsideration/amendment where there has been no appeal.

² If the request for reconsideration/amendment raises a new issue, a final Office action may not issue until the applicant has had an opportunity to respond).

From: Goodsaid, Ira

Sent: 5/1/2013 12:08:07 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 85520148 - THE COOLER COMPANY - N/A - Request for
Reconsideration Denied - Return to TTAB

Attachment Information:

Count: 1

Files: 85520148.doc

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 85520148

MARK: THE COOLER COMPANY



CORRESPONDENT ADDRESS:

Janet A. Marvel and Seth I. Appel

Pattishall, McAuliffe, Newbury, Hilliard

311 South Wacker Drive Suite 5000

Chicago, IL 60606

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

APPLICANT: The Coleman Company, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

jam@pattishall.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 5/1/2013

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.64(b); TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a). The refusal made final in the Office action dated 10/29/2012 is maintained and continues to be final. See TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a).

In the present case, applicant's request has not resolved the outstanding issue, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

The filing of a request for reconsideration does not extend the time for filing a proper response to a final Office action or an appeal with the Trademark Trial and Appeal Board (Board), which runs from the date the final Office action was issued/mailed. See 37 C.F.R. §2.64(b); TMEP §715.03, (a)(2)(B), (a)(2)(E), (c).

If time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to overcome any outstanding final refusal and/or to file an appeal with the Board. TMEP §715.03(a)(2)(B), (c). However, if applicant has already filed a timely notice of appeal with the Board, the Board will be notified to resume the appeal when the time for responding to the final Office action has expired. See TMEP §715.04(a).

The applicant seems to rely on advertising that plays on the meaning of the word "cooler" ("COOLER NEW DESIGN;" "COOLER NEW COLORS;" "COOLER NEW PORTABILITY"). This is an ITU application, so use has not even been averred. Thus, the advertisements proffered by the applicant fail to prove the alleged double entendre of THE COOLER COMPANY for food and drink containers for domestic use; portable water carriers, namely, reusable plastic water bottles and jugs sold empty; insulating sleeve holders for beverage cans; squeeze bottles sold empty; dispensers for disposable cups; **portable coolers** and jugs of both rigid and fabric construction (emphasis and underlining added). Even if an allegation of use was filed, there is no evidence to show that the mark is perceived by the relevant public as anything more than a merely descriptive moniker for the goods.

A "double entendre" is an expression that has a double connotation or significance as applied to the goods and/or services. TMEP §1213.05(c); see *In re Colonial Stores Inc.*, 394 F.2d 549, 552-53, 157 USPQ 382, 384-85 (C.C.P.A. 1968) (finding SUGAR & SPICE a double entendre and not descriptive for bakery products because it evokes the nursery rhyme "sugar and spice and everything nice").

A mark that comprises a “double entendre” will not be refused registration as merely descriptive if one of its meanings is not merely descriptive in relation to the goods and/or services. TMEP §1213.05(c). However, the multiple meanings that make an expression a “double entendre” must be well-recognized by the public and readily apparent from the mark itself. See *In re Brown-Forman Corp.*, 81 USPQ2d 1284, 1287 (TTAB 2006) (finding GALA ROUGE not a double entendre in relation to wines and affirming requirement to disclaim ROUGE); *In re The Place, Inc.*, 76 USPQ2d 1467, 1470-71 (TTAB 2005) (finding THE GREATEST BAR not a double entendre in relation to restaurant and bar services and affirming refusal to register based on descriptiveness of the mark); *In re Ethnic Home Lifestyles Corp.*, 70 USPQ2d 1156, 1158-59 (TTAB 2003) (finding ETHNIC ACCENTS not a double entendre in relation to television programs in the field of home décor and affirming refusal to register based on descriptiveness of the mark).

Terms that describe the provider of a product or service may also be merely descriptive of the product and/or service. See *In re Major League Umpires*, 60 USPQ2d 1059, 1060 (TTAB 2001) (holding MAJOR LEAGUE UMPIRE merely descriptive of clothing, face masks, chest protectors and shin guards); *In re The Phone Co.*, 218 USPQ 1027, 1028 (TTAB 1983) (holding **THE PHONE COMPANY** merely descriptive of **telephones and telephone instruments**); TMEP §1209.03(q).

/Ira Goodsaid/

Law Office 101

571-272-9166

ira.goodsaid@uspto.gov

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85520148
LAW OFFICE ASSIGNED	LAW OFFICE 101
MARK SECTION (no change)	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	<u>evi 3810418126-173603840 . Request for Reconsideration.pdf</u>
CONVERTED PDF FILE(S) (4 pages)	<u>\\TICRS\EXPORT16\IMAGEOUT16\855\201\85520148\xml5\RFR0002.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\855\201\85520148\xml5\RFR0003.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\855\201\85520148\xml5\RFR0004.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\855\201\85520148\xml5\RFR0005.JPG</u>
ORIGINAL PDF FILE	<u>evi 3810418126-173603840 . the cooler company exhibits.PDF</u>
CONVERTED PDF FILE(S) (8 pages)	<u>\\TICRS\EXPORT16\IMAGEOUT16\855\201\85520148\xml5\RFR0006.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\855\201\85520148\xml5\RFR0007.JPG</u>
	<u>\\TICRS\EXPORT16\IMAGEOUT16\855\201\85520148\xml5\RFR0008.JPG</u>
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DESCRIPTION OF EVIDENCE FILE	Request for Reconsideration Exhibits 1 and 2
SIGNATURE SECTION	

RESPONSE SIGNATURE	/Seth I. Appel/
SIGNATORY'S NAME	Seth I. Appel
SIGNATORY'S POSITION	Attorney of record, IL and CA bar member
SIGNATORY'S PHONE NUMBER	(312) 554-8000
DATE SIGNED	04/29/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Apr 29 17:40:27 EDT 2013
TEAS STAMP	USPTO/RFR-38.104.181.26-2 0130429174027634210-85520 148-50065b44db79225d3a4b0 4c323cc2f32bc520cabd21af6 f60986f49a11a888f4b59-N/A -N/A-20130429173603840253

[TO: Term 15:40:27 EDT 2013]
 [FILE No: 16-1-0000-11-18-01-2913]

Request for Reconsideration after Final Action
To the Commissioner for Trademarks:

Application serial no. **85520148** has been amended as follows:

EVIDENCE

Evidence in the nature of Request for Reconsideration Exhibits 1 and 2 has been attached.

Original PDF file:

[cvi_3810418126-173603840 . Request for Reconsideration.pdf](#)

Converted PDF file(s) (4 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

Original PDF file:

[cvi_3810418126-173603840 . the cooler company exhibits.PDF](#)

Converted PDF file(s) (8 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Seth I. Appel/ Date: 04/29/2013

Signatory's Name: Seth I. Appel

Signatory's Position: Attorney of record, IL and CA bar member

Signatory's Phone Number: (312) 554-8000

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85520148

Internet Transmission Date: Mon Apr 29 17:40:27 EDT 2013

TEAS Stamp: USPTO/RFR-38.104.181.26-2013042917402763

4210-85520148-50065b44db79225d3a4b04e323

cc2f32bc520cabd21af6f60986f49a11a888f4b5

9-N/A-N/A-20130429173603840253



SETH I. APPEL

DIRECT (312) 554-7984
sappel@pattishall.com

Admitted in Illinois and California

April 29, 2013

REQUEST FOR RECONSIDERATION

Ira Goodsaid, Esq.
Trademark Examining Attorney
Law Office 101

Re: Serial No. 85/520148
Applicant: The Coleman Company, Inc.
Mark: THE COOLER COMPANY

Dear Mr. Goodsaid:

This firm represents The Coleman Company, Inc. ("Applicant"). Applicant requests reconsideration in response to the final Office Action dated October 29, 2013, concerning the above-referenced application. Applicant is filing an appeal to the T.T.A.B. concurrently with this request.

Applicant's Mark is an Inherently Distinctive Double Entendre.

I. Consumers are Likely to Perceive Both Meanings of THE COOLER COMPANY.

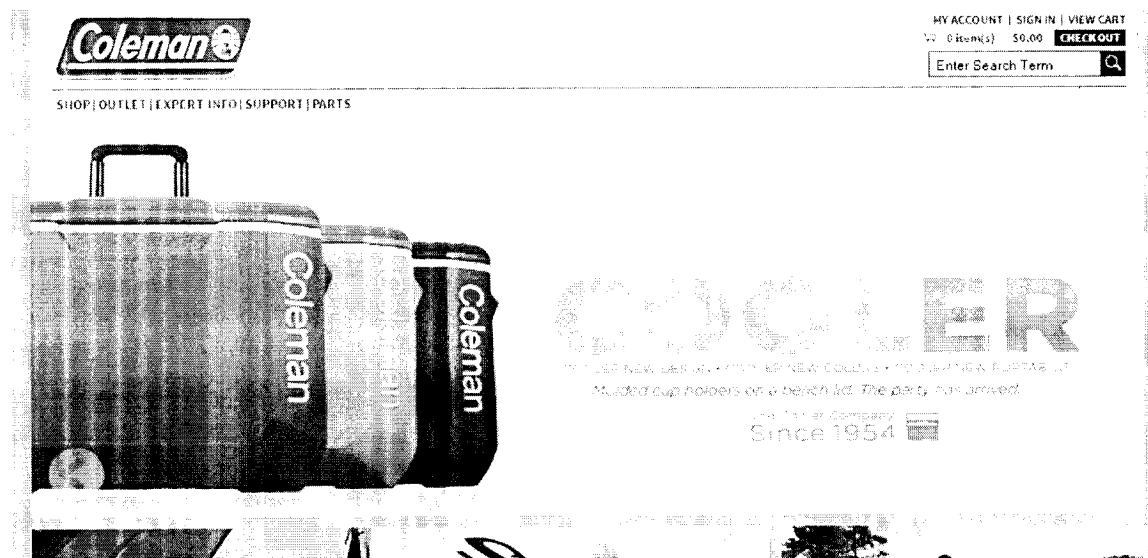
The Examining Attorney refuses registration on the ground that Applicant's mark, THE COOLER COMPANY, is merely descriptive. As discussed in Applicant's prior Office Action Response, this mark is a clever double entendre. Therefore, it is inherently distinctive and entitled to registration on the Principal Register. T.M.E.P. § 1213.05(c). See *In re Colonial Stores Inc.*, 394 F.2d 549 (C.C.P.A. 1968) (SUGAR & SPICE not merely descriptive for bakery products); *In re Simmons*, 189 USPQ 352 (T.T.A.B. 1976) (THE HARD LINE not merely descriptive for mattresses and bed springs); *In re National Tea Co.*, 144 U.S.P.Q. 286 (T.T.A.B. 1965) (NO BONES ABOUT IT not merely descriptive for fresh pre-cooked (boneless) ham).

On the one hand, THE COOLER COMPANY suggests that Applicant offers coolers, i.e., containers for food and drink products. On the other hand, THE COOLER COMPANY suggests that Applicant is cooler than other companies. "Cool," in this sense, means that Applicant is "fashionable" or "hip," or simply better than its competitors. See <http://www.merriam-webster.com/dictionary/cool>

(Merriam-Webster online dictionary); <http://www.ahdictionary.com/word/search.html?q=cool>
(American Heritage online dictionary).¹

The Examining Attorney maintains that the first meaning of THE COOLER COMPANY is the "primary and overriding meaning," but Applicant respectfully disagrees. As "Joe Cool," "Cool Hand Luke," or LL Cool J could attest, "COOLER" is just as likely to indicate disposition and it is to indicate temperature.

Applicant's promotional materials reflect this double entendre. Applicant promotes its products as being *cooler* than those of its competitors, and *cooler* than its own prior models. Below is a partial screen shot from Applicant's home page, www.coleman.com:



[See Exhibit 1, attached hereto.] As shown above, Applicant claims that its current products feature a "COOLER NEW DESIGN," "COOLER NEW COLORS," and "COOLER NEW PORTABILITY." Following these claims, it displays its mark, THE COOLER COMPANY.

Applicant has run advertisements similar to the above screenshot in *Outside Magazine*:

¹ These dictionary entries are attached as Exhibits A and B to Applicant's October 26, 2013, Office Action Response.

COOLER
COOLER NEW DESIGN • COOLER NEW COLORS • COOLER NEW PORTABILITY
Our sleek new design that's even cooler than it looks.

HOTTER
HOTTER NEW DESIGN • HOTTER NEW PORTABILITY • HOTTER NEW FEATURES
Hot is 20,000 BTU's per hour. Cool is 20,000 BTU's per hour. Get the grill to the grill.

NXT
NXT 100 GRILL
NXT 200 GRILL
NXT 300 GRILL

Coleman

Since 1954

60 QT WHEELED COOLER

Available in 10 different colors and designs. Choose the one you like best.

Available in 10 different colors and designs. Choose the one you like best.

[See Exhibit 2, attached hereto.] In this advertisement, Applicant follows its claims of coolness – "COOLER NEW DESIGN," "COOLER NEW COLORS," "COOLER NEW PORTABILITY" – with the statement: "Our sleek new design that's even cooler than it looks."

As shown in the *Outside* ad above, Applicant promotes its cool new coolers along with its hot new grills, also relying on a double entendre.

In summary, the dual meaning of Applicant's THE COOLER COMPANY mark is readily apparent to consumers. The Board has already recognized that an applicant's use of "COOL" in this context creates a distinctive double entendre. In *Cool Gear International, Inc. v. Carla Dahl*, 2004 WL 1703102 (T.T.A.B. July 22, 2004) (non-precedential) ("Opposer's mark 'COOL-GEAR,' obviously, is highly suggestive of gear for keeping food and beverages cool, although it also possesses a double entendre since its goods, namely, folding chairs with seats that act as food and beverage coolers, are 'cool gear' in the sense of serving in a first-rate or clever manner the dual purpose of functioning as both a chair and a cooler.").

II. T.T.A.B. Precedent Supports Applicant's Position.

As discussed in Applicant's prior Office Action Response, numerous T.T.A.B. decisions support Applicant's position that THE COOLER COMPANY, a creative double entendre, is not merely descriptive. For example, the Board held that MUFFUNS was not merely descriptive for baked mini muffins because this mark "project[s] a dual meaning or suggestiveness – that of muffins and of the 'fun' aspect of applicant's food product." *In re Grand Metropolitan Foodservice Inc.*, 30

U.S.P.Q.2d 1974, 1975 (T.T.A.B. 1994). See also *In re Tea and Sympathy, Inc.*, 88 U.S.P.Q.2d 1062, 1064 (T.T.A.B. 2008) (THE FARMACY not merely descriptive for retail store services featuring natural herbs and organic products: "[T]he mark conveys a dual meaning, that of the natural aspect of the goods sold by applicant and of a pharmacy. Applicant's mark is inventive and just clever enough, being an obvious play on 'the pharmacy' and 'farm,' so that the meaning or commercial impression of applicant's mark will be more than simply 'the pharmacy.'"); *In re Delaware Punch Company*, 186 U.S.P.Q. 63, 64 (T.T.A.B. 1975) (THE SOFT PUNCH inherently distinctive for noncarbonated soft drink: "[I]t possesses a degree of ingenuity in its phraseology which is evident in the double entendre that it projects.").

The three cases cited by the Examining Attorney are easily distinguishable. *In re The Place, Inc.*, 76 USPQ2d 1467 (TTAB 2005) involved an application to register THE GREATEST BAR for "restaurant and bar services." *In re Wells Fargo & Co.*, 231 USPQ 95 (TTAB 1986) involved an application to register EXPRESSERVICE for banking services. *In re Ethnic Home Lifestyles Corp.*, 70 USPQ2d 1156 (TTAB 2003) involved an application to register ETHNIC ACCENTS for "entertainment in the nature of television programs in the field of home décor." **Each of these marks, on its face, has only one meaning.** Therefore, the Board properly found they were merely descriptive.

In *The Place*, *Wells Fargo*, and *Ethnic Home Lifestyles*, the Board refused to consider the applicant's marketing to find a second meaning. While Applicant has provided its advertising materials for the Examining Attorney's reference, the dual meaning of THE COOLER COMPANY is readily apparent without those materials. This mark is a double entendre on its face. *Cf. The Place*, 76 USPQ2d at 1472 (contrasting decisions where "the double entendre was apparent on the face of the mark itself"). The multiple meanings of COOLER are found in any dictionary, and known to every reasonable consumer.

III. CONCLUSION

For the reasons discussed above, and in Applicant's prior Office Action Response, Applicant respectfully submits that Application Serial No. 85/520148 should proceed to publication.

Respectfully submitted,

/s/ia/

Seth I. Appel

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

Attorneys for Applicant

EXHIBIT 1





SHOP | OUTLET | EXPERT INFO | SUPPORT | PARTS



COOLER

COLEMAN'S 100 QUART COOLER BEATS THE 90% * TOP THERMAL TEST. 100% *
Molded cup holders on a bench lid. The party has arrived.

Since 1954



FREE SHIPPING
ON ORDERS OF \$49 OR MORE



MORE GREAT PRODUCTS
FROM OUR FAMILY OF BRANDS



**SPRING INTO
THE OUTDOORS**
DISCOUNTED TENT CAMPING
WITH PURCHASE OF COLEMAN® GEAR

EXHIBIT 2

THE TRUTH ABOUT PALEO

WHY THE CAVEMAN MOVEMENT IS HERE TO STAY PAGE 157

LIVE BRAVELY

Outside

LAKESIDE
CABINS

LAZY
RIVERS

EMPTY
TRAILS

SECRET
BEACHES

TRAVEL
SPECIAL

2013 GUIDE TO
SUMMER

→BUY THE RIGHT
RUNNING SHOES

→SURVIVE NATURE'S
CREEPIEST CRITTER

→DRIVE THE ULTIMATE
ADVENTURE
VEHICLE

→GET SMART ABOUT
SUNSCREEN

27 PERFECT WEEKENDS

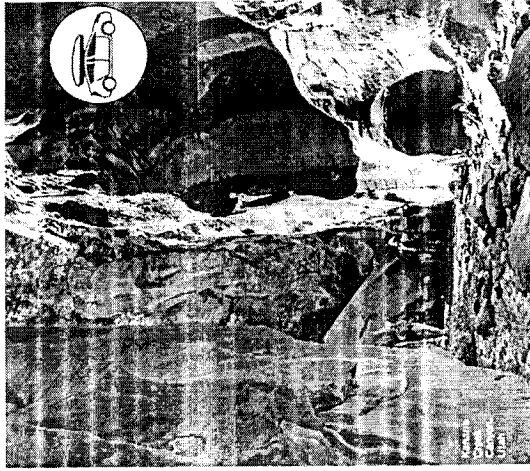
QUICK & EASY
ADVENTURES

MY SON
AND THE
BEAR
BY WILLIAM
BROYLES

MAKE
FITNESS
FUN
AGAIN
—THE RISE
OF SOCIAL
WORKOUTS

EXCLUSIVE!
MADNESS

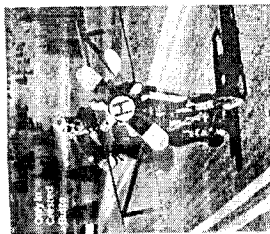




Sheboygan, Wisconsin
Chicago's suburbs seem to stretch forever. But just two hours north is one of the region's best adventure hubs. Surf, kayak, swim or SUP on Lake Michigan. Or, for a more active trip, arrange rentals, canoe or kayak on the lake. The Ice Age National Historical Park is a two-bedroom timber frame lodge, come with a sauna, a power dock, a wrap-around porch, and the kids to explore the park. The property is for sale for \$750,000. For more information, contact the owner at 920-888-8888.

Southwest

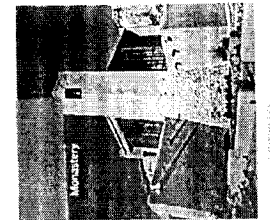
Canaveral, Utah
Just beyond Zion National Park are canyons that are as gorgeous and shady as those in the park but far less crowded. Our favorite: Kanab Creek Canyon, a 4.4-mile hike between cool sandstone walls and up meadow cascades in Kanab. The trail is just



HIGHLIGHT REEL

Acropolis Wine and Food Festival, August 22-24
A festival of wine, food, and music in the heart of the Acropolis.

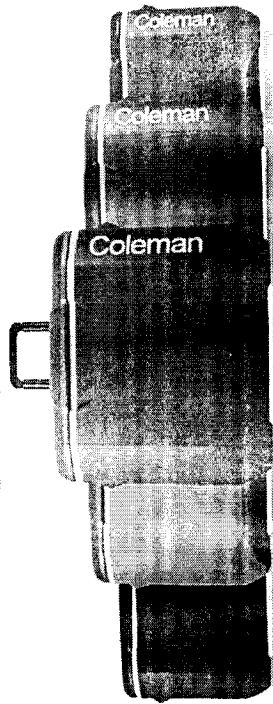
World of Beer, May 29-June 2
A festival of beer, food, and music in the heart of the World of Beer.



THE PRICE OF FREEDOM
A book by John F. Kennedy, published by the Library of America.

COOLER

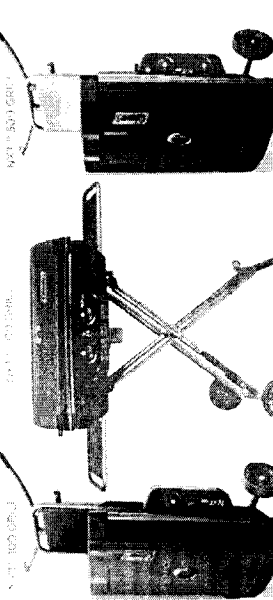
COOLER NEW DESIGN • COOLER NEW COLORS • COOLER NEW PORTABILITY



Available at your local Coleman dealer. For more information, call 1-800-451-7777.

HOTTER

HOTTER NEW DESIGN • HOTTER NEW PORTABILITY • HOTTER NEW FEATURES



Available at your local Coleman dealer. For more information, call 1-800-451-7777.

170 KILLER DEALS FOR UNDER \$150

Outside buyer's guide

SUMMER 2013

THE ULTIMATE GEAR RESOURCE

RIDE SMARTER
THE 24 BEST NEW
MOUNTAIN, ROAD,
AND CITY BIKES

GO BIGGER
HIGHTECH
HI-MET
EXHIBITION
POSS
INFLY OFF

329 Perfect Things

RUN
FASTER
25 TOP TRAIL
AND ROAD
SHOES
PLUS: BUYING
ADVICE AND
PRO TIPS

SHOOT LIKE
A PRO
RUGGED CAMERAS,
ACTION CAMS, AND
ONE HIGH-FLYING
ADVENTURE DRONE

CAMPING
ESSENTIALS
TENTS,
SLEEPING
BAGS,
BACKPACKS,
STOVES,

TRAVEL IN STYLE
THE SUMMER'S BEST
GADGETS, LUGGAGE,
AND GEAR

ESSENTIALS HIKING

Round up your backpacking kit with some of our finger-lickin' good gear and accessories. BY SAM MOUTON



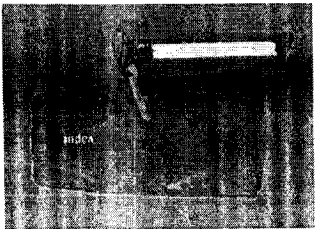
MSR Reactor 1.0L stove \$170

For hikers who want to compare the stove and fuel canister both in the pot, and unlike virtually every other ultralight stove on the market, pretty much impervious to wind, we're big fans of the Reactor. It's a simple, sturdy, and reliable piece of gear that's perfect for first and light hiking. msr.com



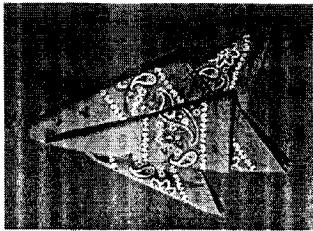
Adventure Medical Kits

This kit weighs about as much as two energy bars, comes in its own water-proof bag, and contains a lot of useful items. It's a great addition to your backpacking kit, especially if you're going on a multi-day adventure. adventuremedicalkits.com



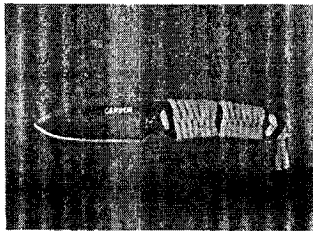
Vapur MicroFilter 500

Exten 375-gram water bottle with a removable straw that lets 99.9 percent of the bacteria and protozoa out of the water. It's a great addition to your backpacking kit, especially if you're going on a multi-day adventure. vapurfilters.com



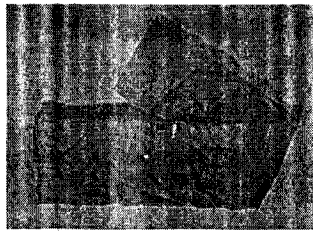
Es Office Insect Shield Pasky

In secret weapon is permethrin, a synthetic, long-lasting cousin to a natural insecticide found in chrysanthemums. It works shockingly well. The EPA says it's safe that doesn't mean you should use it to dry your pants, but it's a lifesaver if you're hiking or paddling. esoffice.com



Gerber Bear Grylls Paracord

Chances are you won't have to build a shelter or fashion a bow and arrow, but it's reassuring to know that this ultrastrong, full-length (i.e., constructed from one long piece of cord) survival knife, with 45 inches of paracord wrapped around the handle, would hold up to the task. gerber.com



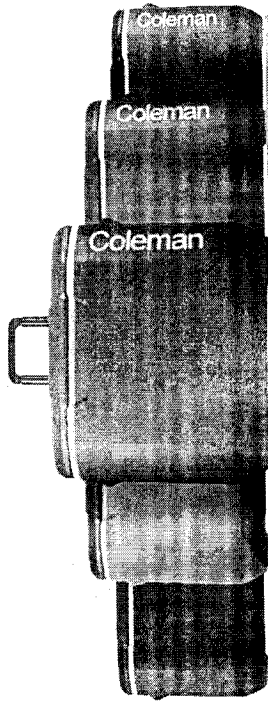
Fila Raven Barrens Pro pants \$140

Go ahead and let down your pants. The pants are made of a synthetic fabric that's breathable, dries quickly, and its weather resistance can be regenerated by applying some of the company's Greenard wax (\$10). filaraven.com

COOLER

COOLER NEW DESIGN • COOLER NEW PORTABILITY

Our new 65 quart cooler is a real game changer.



65 quart cooler

Since 1954

COLEMAN

65 quart cooler

65 quart cooler

65 quart cooler

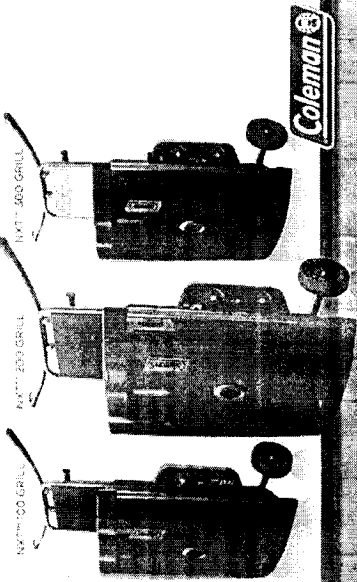
65 quart cooler

65 quart cooler

HOTTER

HOTTER NEW DESIGN • HOTTER NEW PORTABILITY • HOTTER NEW FEATURE

Our new 65 quart cooler is a real game changer.



NXT 600 grill

Since 1954

COLEMAN

65 quart cooler

65 quart cooler

65 quart cooler

65 quart cooler

65 quart cooler

65 quart cooler

65 quart cooler

65 quart cooler

65 quart cooler

65 quart cooler

65 quart cooler

65 quart cooler

65 quart cooler

65 quart cooler

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: May 6, 2013

In re The Coleman Company,
Inc.

Serial No. 85520148

Filed: 1/19/2012

JANET A MARVEL
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311 SOUTH WACKER DRIVE
SUITE 5000
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Amy Matelski, Paralegal Specialist:

In view of the decision by the Trademark Examining Attorney on May 1, 2013, the appeal is resumed; and applicant is allowed until sixty days from the mailing date hereof in which to file its brief herein. A request for an oral hearing, if desired, must be made not later than ten days after the due date for applicant's reply brief.

ESTTA Tracking number: **ESTTA546349**

Filing date: **07/02/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85520148
Applicant	The Coleman Company, Inc.
Applied for Mark	THE COOLER COMPANY
Correspondence Address	JANET A MARVEL PATTISHALL MCAULIFFE NEWBURY HILLIARD ET AL 311 SOUTH WACKER DRIVE, SUITE 5000 CHICAGO, IL 60606 UNITED STATES jam@pattishall.com, sia@pattishall.com, lkn@pattishall.com, sms@pattishall.com
Submission	Appeal Brief
Attachments	Applicant's Appeal Brief.pdf(879064 bytes)
Filer's Name	Seth I. Appel
Filer's e-mail	jam@pattishall.com, sia@pattishall.com, lkn@pattishall.com, sms@pattishall.com
Signature	/Seth I. Appel/
Date	07/02/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85520148

Mark: THE COOLER COMPANY

Applicant: The Coleman Company, Inc.

Filing Date: January 19, 2012

**APPLICANT'S BRIEF ON APPEAL
FROM FINAL OFFICE ACTION**

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Attorneys for Applicant

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INTRODUCTION

Applicant The Coleman Company, Inc. ("Applicant"), a well-known producer of outdoor gear, appeals the refusal to register its mark, THE COOLER COMPANY. The Examining Attorney maintains that this mark is merely descriptive of Applicant's goods and has refused registration under Section 2(e)(1) of the Trademark Act, 15 U.S.C. § 1052(e)(1). However, THE COOLER COMPANY is an inventive double entendre: on the one hand, it conveys that Applicant offers coolers, *i.e.*, containers for food and beverages; on the other hand, it suggests that Applicant is *cooler* – that is, more fashionable and hip – than other companies. For this reason, it is not merely descriptive.

The dual meaning of THE COOLER COMPANY is readily apparent from the mark itself, and confirmed by Applicant's promotional materials, which emphasize various "cooler" aspects of Applicant's business. Nonetheless, the Examining Attorney disregarded this dual meaning, comparing THE COOLER COMPANY to THE PHONE COMPANY, a mark that has only one meaning.

It is well-established that a mark with multiple meanings is distinctive, and not merely descriptive, where at least one of the meanings is suggestive. T.M.E.P. § 1213.05(c). Given the dual meaning of THE COOLER COMPANY, the Examining Attorney has failed to meet his burden of establishing that Applicant's mark is merely descriptive. Accordingly, the Board should reverse the Examining Attorney's decision.

ARGUMENT

I. A Double Entendre, Such As THE COOLER COMPANY, is Distinctive.

The rule regarding a double entendre is well-settled:

The mark that comprises the "double entendre" will not be refused registration as merely descriptive if one of its meanings is not merely descriptive in relation to the goods or services.

T.M.E.P. § 1213.05(c). See *In re Simmons*, 189 U.S.P.Q. 352 (T.T.A.B. 1976) (THE HARD LINE not merely descriptive for mattresses and bed springs); *In re National Tea Co.*, 144 U.S.P.Q. 286 (T.T.A.B. 1965) (NO BONES ABOUT IT not merely descriptive for fresh pre-cooked (boneless) ham).

THE COOLER COMPANY has two distinct meanings, both of which are readily apparent to consumers. First, this mark conveys that Applicant offers coolers, among hundreds of other outdoor recreation products.¹ Second, this mark suggests that Applicant is *cooler* than its competitors, and *cooler* than Applicant has been in the past. "Cool," of course, is a slang term with a variety of favorable meanings, including "fashionable" and "hip." See <http://www.merriam-webster.com/dictionary/cool> (Merriam-Webster online dictionary); <http://www.ahdictionary.com/word/search.html?q=cool> (American Heritage online dictionary).²

The Examining Attorney has taken the position that the first meaning of THE COOLER COMPANY is the "primary and overriding meaning," but Applicant disagrees. The slang meaning of "cool" has been used in common parlance for many years, and it can be found in virtually any dictionary. This word is well-known to consumers. As "Joe Cool," "Cool Hand Luke," or LL Cool J could attest, "cool" is just as likely to indicate disposition and it is to indicate temperature.

¹ The present application, as amended, covers the following goods: "Food and drink containers for domestic use; portable water carriers, namely, reusable plastic water bottles and jugs sold empty; insulating sleeve holders for beverage cans; squeeze bottles sold empty; dispensers for disposable cups; portable coolers and jugs of both rigid and fabric construction."

² These dictionary entries are attached as Exhibits A and B to Applicant's Office Action response, submitted on October 26, 2012. The Board also can take judicial notice of these and other dictionary entries. *Marcal Paper Mills, Inc. v. American Can Co.*, 212 U.S.P.Q. 852, 860, n. 7 (T.T.A.B. 1981).

Indeed, the Board has already recognized the dual meanings of "cool" :

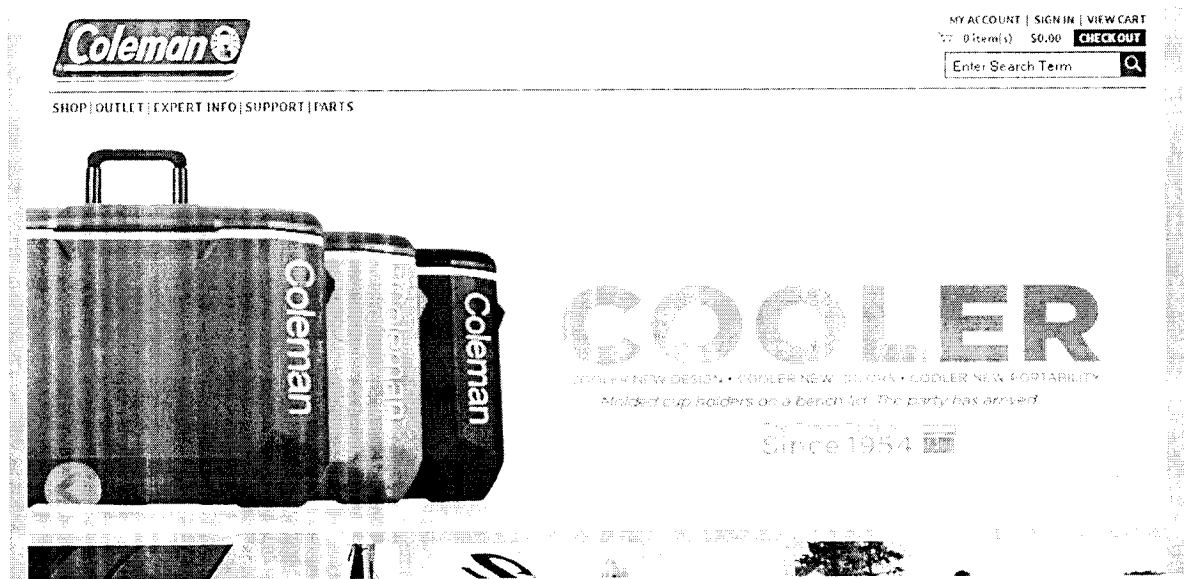
Opposer's mark "COOL-GEAR," obviously, is highly suggestive of gear for keeping food and beverages cool, although it also possesses a double entendre since its goods, namely, folding chairs with seats that act as food and beverage coolers, are 'cool gear' in the sense of serving in a first-rate or clever manner the dual purpose of functioning as both a chair and a cooler.

Cool Gear International, Inc. v. Carla Dahl, Opposition No. 91153361, 2004 WL 1703102, at *2 (T.T.A.B July 22, 2004) (non-precedential).

In any event, it is irrelevant which meaning of "cool" is the "primary" meaning. Both are associations the public would make "fairly readily." T.M.E.P. § 1213.05(c). *See In re Colonial Stores Inc.*, 394 F.2d 549, 552-553 (C.C.P.A. 1968) (SUGAR & SPICE not merely descriptive for bakery products because it recalls nursery rhyme); *Ex parte Barker*, 92 U.S.P.Q. 218, 219 (Comm'r Patents 1952) (CHERRY-BERRY-BING not merely descriptive of bing cherries and loganberries because it recalls the song "Chiribiribin").

Taking into account the slang meaning of "cool," THE COOLER COMPANY suggests a general impression about Applicant, in relation to its competitors and to the past. It does not describe any particular quality or characteristic of the goods identified in the application. Therefore, it is not merely descriptive, and Applicant's mark is entitled to registration. *See In re Occidental Petroleum Corp.*, 167 U.S.P.Q. 128, 128 (T.T.A.B. 1970) (SUPER IRON not merely descriptive for a soil supplement because "it takes some roundabout reasoning to make a determination of what the mark actually describes").

The double entendre comprised by THE COOLER COMPANY is reflected in Applicant's promotional materials. Below is a partial screen shot from Applicant's home page, www.coleman.com:



As shown above, Applicant states that its current products feature a "COOLER NEW DESIGN," "COOLER NEW COLORS," and "COOLER NEW PORTABILITY." Following these statements, Applicant displays its mark, THE COOLER COMPANY.

Applicant has run advertisements similar to the above screenshot in *Outside Magazine*:



In this advertisement, Applicant follows its claims of coolness – "COOLER NEW DESIGN," "COOLER NEW COLORS," "COOLER NEW PORTABILITY" – with the statement: "Our sleek new design that's even cooler than it looks."

As shown in the *Outside* ad above, Applicant promotes its "cool" new coolers along with its "hot" new grills, also relying on a double entendre.

Because THE COOLER COMPANY has multiple meanings, at least one of which is not merely descriptive, this mark should not be refused registration.³

II. Substantial Precedent Supports Applicant's Position.

The Board has repeatedly held that this sort of double entendre is entitled to registration.

In re Delaware Punch Company, 186 U.S.P.Q. 63 (T.T.A.B. 1975) is on point. In that case, the applicant applied to register THE SOFT PUNCH for a noncarbonated soft drink. The Examining Attorney refused registration on the ground that the mark was merely descriptive because it "only serves to inform prospective purchasers that applicant's goods are a non-alcoholic punch." *Id.* at 63. The Board reversed. It agreed with the applicant that the mark conveyed to the purchasing public "that the drink has an impact like a soft punch or a pleasing hit." *Id.* at 63. The Board observed: "[I]t possesses a degree of ingenuity in its phraseology which is evident in the double entendre that it projects." *Id.* at 64. Applicant's mark, THE COOLER COMPANY, represents similar ingenuity.

In re Grand Metropolitan Foodservice Inc., 30 U.S.P.Q.2d 1974 (T.T.A.B. 1994) is also illustrative. There, the Board held that MUFFUNS was not merely descriptive for baked mini muffins – even though the mark was obviously a misspelling of "muffins" – and it reversed the Examining Attorney's refusal to register.

As applicant has pointed out, its mark does project a dual meaning or suggestiveness -- that of muffins and of the "fun" aspect of applicant's food product. This aspect of applicant's product is emphasized in its promotion ("What's MufFun than one?"). We have a situation, therefore, where applicant's

³ Applicant's screenshot and advertisement are attached as Exhibits 1 and 2 to Applicant's Request for Reconsideration, filed on April 29, 2013.

mark has a different commercial impression or connotation from that conveyed by a misspelled generic or descriptive term.

Id. at 1975-1976. Similarly, Applicant's mark projects a dual meaning or suggestiveness, of both coolers and the "cool" aspect of Applicant. This latter meaning is emphasized in Applicant's promotional materials.

Another example is *In re Best Software, Inc.*, Serial No. 75457359, 2001 WL 256151 (T.T.A.B. Feb. 27, 2001) (non-precedential). There, the applicant sought registration of BUDGET DIRECTOR for "computer software for use in accounting, financial management and planning, and budget forecast and analysis." The Examining Attorney determined that this mark was merely descriptive because it described the intended users of the applicant's products, *i.e.*, budget directors. The Board reversed, recognizing that BUDGET DIRECTOR was a double entendre: "[W]hile the term is commonly understood to identify a 'person,' when it is considered in connection with these goods, the term suggests that this software can be useful in setting the direction of an organization's budget." *Id.* at *2.

Last year, the Board held that the applicant's mark SMASHINGLY DURABLE, for fans, was a double entendre and therefore not merely descriptive. *In re Delta T Corp.*, Serial No. 85310163, 2012 WL 5196152 (T.T.A.B. Sept. 24, 2012) (non-precedential). It reversed the Examining Attorney's refusal to register this mark without a disclaimer. The Board explained that "smashing" could mean something that smashes or crushes, or it could mean something that is extraordinarily impressive or effective. "Based upon this definition, SMASHINGLY DURABLE connotes, on the one hand, goods that are extraordinarily durable and, on the other, goods possessing durability that 'crushes' in a literal or colloquial sense." *Id.* at *4.

Many other cases – both before the Board and the federal courts – also recognize that a double entendre in the nature of THE COOLER COMPANY is not merely descriptive. *See, e.g.*,

American Historic Racing Motorcycle Ass'n, Ltd. v. Team Obsolete Promotions, 33 F.Supp.2d 1000, 1005 (M.D. Fla. 1998), *aff'd*, 233 F.3d 577 (11th Cir. 2000) (BEARS not merely descriptive for motorcycle events even though short for British-European-American Racing Series: "BEARS doubles for an animal and an abbreviation. Consequently, a consumer who sees BEARS in connection with motorcycle racing may associate the word with any number of things, and not immediately think that BEARS is an abbreviation."); *Blisscraft of Hollywood v. United Plastics Co.*, 294 F.2d 694, 700 (2d Cir. 1961) (POLY PITCHER not merely descriptive for polyethylene pitchers, because it is "reminiscent or suggestive of Molly Pitcher of Revolutionary time."); *In re Pecan Ridge Vineyards*, Serial No. 77071957, 2009 WL 4073496 (T.T.A.B. May 13, 2009) (FROZEN ROSE not merely descriptive for prepared wine cocktails: "[I]n addition to describing a frozen cocktail that is made of or contains rosé wine, [the mark] has a non-descriptive meaning of a flower that is frozen."); *In re Tea and Sympathy, Inc.*, 88 U.S.P.Q.2d 1062, 1064 (T.T.A.B. 2008) (THE FARMACY not merely descriptive for retail store services featuring natural herbs and organic products: "[T]he mark conveys a dual meaning, that of the natural aspect of the goods sold by applicant and of a pharmacy.").

In his initial Office Action, the Examining Attorney stated that the present situation is "just like THE PHONE COMPANY case," *In re The Phone Co.*, 218 U.S.P.Q. 1027 (T.T.A.B. 1983), in which the Board held that THE PHONE COMPANY was merely descriptive for telephone products. The Examining Attorney again cited this case in his denial of Applicant's Request for Reconsideration. This analogy reflects the flaw in the Examining Attorney's analysis. THE PHONE COMPANY has a single meaning, while THE COOLER COMPANY has two. Unlike THE PHONE COMPANY, THE COOLER COMPANY tells consumers something about Applicant's offerings under the mark, and it also suggests a favorable idea about

Applicant generally. *See Cool Gear International, supra*, 2004 WL 1703102, at *2 (recognizing COOL-GEAR is a double entendre).

CONCLUSION

In this context, "where reasonable men may differ, it is the Board's practice to resolve the doubt in applicant's favor and publish the mark for opposition." *In re Intelligent Medical Systems Inc.*, 5 U.S.P.Q.2d 1674, 1676 (T.T.A.B. 1987) (quoting *In re Morton-Norwich Products, Inc.*, 209 U.S.P.Q. 791, 791 (T.T.A.B. 1981)). *See In re Conductive Systems, Inc.*, 220 U.S.P.Q. 84, 86 (TTAB 1983) (reversing refusal to register MULTI-POINT: "[W]e have doubts about the 'merely descriptive' character of the mark before us and, unlike the situation in determining likelihood of confusion under Section 2(d) of the Trademark Act, it is clear that such doubts are to be resolved in favor of applicants.").

For the reasons discussed above, THE COOLER COMPANY is an inventive double entendre, and at least one of the meanings is not merely descriptive. Therefore, the Board should reverse the Examining Attorney, and allow Applicant's mark to proceed to publication.

Date: July 2, 2013

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

/Seth I. Appel/

Janet A. Marvel
Seth I. Appel

Attorneys for Applicant

CERTIFICATE OF ELECTRONIC FILING

I, Seth I. Appel, an attorney for Applicant, hereby certify that a copy of the foregoing **APPLICANT'S BRIEF ON APPEAL FROM FINAL OFFICE ACTION** was electronically transmitted to the Trademark Trial and Appeal Board on this 2nd day of July, 2013.

/Seth I. Appel/

Seth I. Appel

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

COLLOPY

Mailed: July 10, 2013

In re The Coleman Company,
Inc.

Serial No. 85520148

Filed: 1/19/2012

JANET A MARVEL
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311 SOUTH WACKER DRIVE, SUITE 5000
CHICAGO, IL 60606

Denise M. DelGizzi,
Technical Program Manager:

Applicant's brief filed July 2, 2013 is noted and the electronic record of the application file is forwarded herewith to the Trademark Examining Attorney for a brief in accordance with Trademark Rule 2.142(b).

A request for an oral hearing, if desired, is due not later than ten days after the due date for applicant's reply brief.

From: Goodsaid, Ira

Sent: 8/1/2013 7:46:57 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 85520148 - THE COOLER COMPANY - N/A - EXAMINER BRIEF

Attachment Information:

Count: 1

Files: 85520148.doc

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

U.S. APPLICATION SERIAL NO. 85520148

MARK: THE COOLER COMPANY



CORRESPONDENT ADDRESS:

Janet A. Marvel

PATTISHALL, MCAULIFFE, NEWBURY, HILLIARD

200 South Wacker Drive, Suite 2900

CHICAGO IL 60606-6631

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

TTAB INFORMATION:

<http://www.uspto.gov/trademarks/process/appeal/index.jsp>

APPLICANT: The Coleman Company, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

jmarvel@pattishall.com

EXAMINING ATTORNEY'S APPEAL BRIEF

The applicant has appealed the trademark examining attorney's refusal to register the trademark THE COOLER COMPANY on the ground that it is merely descriptive within the meaning of §2(e)(1) of the Trademark Act, 15 U.S.C. §1052(e)(1).

FACTS

The mark at issue is THE COOLER COMPANY for food and drink containers for domestic use; portable water carriers, namely, reusable plastic water bottles and jugs sold empty; insulating sleeve holders for beverage cans; squeeze bottles sold empty; dispensers for disposable cups; portable coolers and jugs of both rigid and fabric construction (emphasis and underlining added). The filing basis was and remains based on an intent to use the mark in commerce. The applicant has adduced a definition of “cool” and the examining attorney has made a definition of “cooler” of record. The applicant contends its mark is a double entendre, and therefore not merely descriptive of its goods.

ARGUMENT

THE MARK IS MERELY DESCRIPTIVE BECAUSE IT APTLY DESCRIBES THE GOODS

A mark is merely descriptive if it describes a quality, characteristic, feature or use of an applicant's goods. See *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012).

A “cooler” is defined as “a device, container or room that cools or keeps cool.” *The Free Dictionary* by Farlex (copy attached to the 10/29/12 Final action). The applicant's goods include coolers and other food and drink containers. As stated in *H. Marvin Ginn Corp. v. Int'l Ass'n of Fire Chiefs, Inc.*, 782 F.2d 987, 989, 228 USPQ 528, 530 (Fed. Cir. 1986), quoting *Weiss Noodle Co. v. Golden Cracknel & Specialty Co.*, 290 F.2d 845, 847, 129 USPQ 411, 413 (C.C.P.A. 1961), “[t]he name of a thing is in fact the ultimate in descriptiveness.”

The determination of whether a mark is merely descriptive must be made in relation to the goods for which registration is sought, not in the abstract. *In re Chamber of Commerce of the U.S.*, 675 F.3d 1297, 1300, 102 USPQ2d 1217, 1219 (Fed. Cir. 2012). The mark need not describe all the goods identified, as long as it merely describes one of them. See *In re Stereotaxis Inc.*, 429 F.3d 1039, 1041, 77 USPQ2d 1087, 1089 (Fed. Cir. 2005).

Per the seminal case of *In re The Phone Co., Inc.*, 218 USPQ 1027 (TTAB 1983) (THE PHONE COMPANY merely descriptive of telephones), adding “company” to the generic name for the goods only adds another merely descriptive term (of the entity) to the proposed mark. As such,

THE COOLER COMPANY must be held to be merely descriptive of the applicant’s goods.

Terms that describe the provider of a product or service may also be merely descriptive of the product and/or service. See *In re Major League Umpires*, 60 USPQ2d 1059, 1060 (TTAB 2001) (holding MAJOR LEAGUE UMPIRE merely descriptive of clothing, face masks, chest protectors and shin guards).

Here, THE COOLER COMPANY, used on or in connection with coolers, immediately indicates to consumers that the goods are coolers from a company that makes coolers – i.e., THE COOLER COMPANY. Since the mark immediately identifies a characteristic of the goods, it must be refused per Section 2(e)(1) of the Trademark Act.

THE MARK IS NOT A DOUBLE ENTENDRE

Applicant argues that THE COOLER COMPANY is not merely descriptive of coolers because applicant believes the mark to be a double entendre. Applicant’s argument has been carefully considered, but found to be unpersuasive.

The multiple interpretations that make an expression a “double entendre” must be associations that the public would make fairly readily, and **must be readily apparent from the mark itself**. See *In re RiseSmart Inc.*, 104 USPQ2d 1931, 1934 (TTAB 2012) (finding that TALENT ASSURANCE does not present a double entendre such that “the merely descriptive significance of the term [TALENT] is lost in the mark as a whole”).

The applicant’s position is summed up by the first two sentences of the second paragraph of the 4/29/13 Request for Reconsideration:

On the one hand, THE COOLER COMPANY suggests that

Applicant offers coolers, i.e., containers for food and drink

products. On the other hand, THE COOLER COMPANY suggests that Applicant is *cooler* than other companies.

The applicant proffers a slang definition of “cool” to buttress its assertion that the mark is a double entendre. The applicant also refers to some advertisements it has prepared which state in relevant part:

COOLER NEW DESIGN – COOLER NEW COLORS – COOLER
PORTABILITY

THE COOLER COMPANY

Based on the slang meaning of “cool” and ads for goods that aren’t even in use in commerce, the applicant contends that THE COOLER COMPANY is a double entendre. The first meaning is of a company that sells coolers. The alleged second meaning is of a company that is more cool than other companies.

While the applicant’s intent may be to make its mark a double entendre, there is no proof that it has done so. This is an ITU application. There is no use in commerce. Thus, there is no evidence that consumers would perceive anything other than the mark’s merely descriptive meaning.

More importantly, the alleged double entendre association is not readily apparent from the mark itself. The multiple meanings that make an expression a “double entendre” must be well-recognized by the public and readily apparent from the mark itself. *See In re Brown-Forman Corp.*, 81 USPQ2d 1284, 1287 (TTAB 2006) (finding GALA ROUGE not a double entendre in relation to wines and affirming requirement to disclaim ROUGE).

A “double entendre” is an expression that has a double connotation or significance as applied to the goods. *See In re Colonial Stores Inc.*, 394 F.2d 549, 552-53, 157 USPQ 382, 384-85 (C.C.P.A. 1968) (finding SUGAR & SPICE a double entendre and not descriptive for bakery products because it evokes the nursery rhyme “sugar and spice and everything nice”).

Consequently, THE COOLER COMPANY does not present a double entendre such that "the merely descriptive significance of [THE COOLER COMPANY] is lost in the mark as a whole." *RiseSmart, supra*.

Since "cooler" is the generic term for some of the goods at issue, and the applicant is a company that makes and sells coolers, THE COOLER COMPANY merely describes the goods and nothing more, and must therefore be considered merely descriptive under the Trademark Act. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012).

CONCLUSION

THE COOLER COMPANY immediately describes the goods. The only meaning that is readily apparent from the mark itself is its merely descriptive connotation. Since this is an ITU case, there is no use of the mark in commerce to even try to establish a double entendre of the mark. For the foregoing reasons, the refusal to register on the basis of §2(e)(1) of the Trademark Act, 15 U.S.C. §1052(e)(1), for the reason that the mark is merely descriptive, should be affirmed.

Respectfully submitted,

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85520148

Mark: THE COOLER COMPANY

Applicant: The Coleman Company, Inc.

Filing Date: January 19, 2012

APPLICANT'S REPLY BRIEF

Janet A. Marvel
Seth I. Appel
PATTISHALL, McAULIFFE, NEWBURY,
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Attorneys for Applicant

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REPLY

Applicant The Coleman Company, Inc. ("Applicant") respectfully submits this reply to the Examining Attorney's appeal brief.

To rebut Applicant's position that its mark is a distinctive double entendre, the Examining Attorney contends that one of the meanings of THE COOLER COMPANY – that Applicant is *cooler* than other companies – is not readily apparent to consumers. On the contrary, this meaning of THE COOLER COMPANY, which rests on the universally-accepted slang definition of "cool," is evident from the face of the mark. This definition appears in countless dictionaries and has been recognized by the Board on multiple occasions. There is hardly a consumer alive unfamiliar with the slang definition of "cool."

In addition, the Examining Attorney implies, without support, that Applicant's mark cannot be a double entendre because it is not in use. However, Applicant's mark is in use. Applicant filed an amendment to allege use on August 21, 2013.

I. Applicant's Double Entendre is Readily Apparent from the Mark Itself.

Both meanings of THE COOLER COMPANY are "associations that the public would make fairly readily," and they are "readily apparent from the mark itself." T.M.E.P. § 1213.05(c). First, THE COOLER COMPANY conveys that Applicant offers coolers, along with hundreds of other outdoor recreation products. Second, THE COOLER COMPANY suggests that Applicant is *cooler* than its competitors, and *cooler* than Applicant has been in the past. The latter involves the slang definition of "cool," that is, "fashionable" or "hip." As discussed in Applicant's opening brief, this definition can be found in virtually any dictionary, including

Merriam-Webster and the American Heritage dictionaries.¹ As stated on Wikipedia – which includes an entire entry for "Cool (aesthetic)":

Although commonly regarded as slang, it is widely used among disparate social groups, and has endured in usage for generations.

See http://en.wikipedia.org/wiki/Cool_%28aesthetic%29.

The Board itself has already recognized this slang meaning of "cool" on multiple occasions. In *Mattel, Inc. v. Leonard Stitz*, Opposition No. 91117536, 2004 WL 1090659, at *5 (T.T.A.B. April 20, 2004), the Board observed: "It is clear from the dictionary definitions of which we have taken judicial notice that HOT and COOL have numerous informal and slang meanings."

The Board also recognized the dual meanings of "cool" in *Cool Gear International, Inc. v. Carla Dahl*, Opposition No. 91153361, 2004 WL 1703102, at *2 (T.T.A.B. July 22, 2004) non-precedential) (COOL-GEAR "possesses a double entendre since [the applicant's] goods ... are 'cool gear' in the sense of serving in a first-rate or clever manner the dual purpose of functioning as both a chair and a cooler."). In another instance, relying on these dual meanings, an applicant overcame a descriptiveness refusal regarding its mark, BIG COOL BAG, for "thermal insulated tote bags for food." *In re H.E. Butt Grocery Co.*, 2004 WL 624566 (T.T.A.B. March 23, 2004) (Examining attorney withdrew descriptiveness refusal based on applicant's argument that "while COOL may be suggestive of a function of the bag in keeping frozen foods 'cold' it also presents a double entendre in the context of the overall mark BIG COOL BAG as being a 'hip' product.").

In support of his position that the slang meaning of THE COOLER COMPANY is not readily apparent, the Examining Attorney cites *In re Brown-Forman Corp.*, 81 U.S.P.Q.2d 1284

¹ See <http://www.merriam-webster.com/dictionary/cool> and <http://www.ahdictionary.com/word/search.html?q=cool>.

(T.T.A.B. 2006). That case is distinguishable and, if anything, it supports Applicant's position. In *Brown-Forman*, the applicant sought registration of GALA ROUGE for wines. The Board affirmed the requirement that the applicant disclaim "ROUGE" (i.e., "red" in French) because it was merely descriptive of a color or type of wine. It rejected the applicant's claim that GALA ROUGE was a unitary expression, with "ROUGE" modifying "GALA".

"Red gala" has no obvious, immediate and inherent unitary significance which would cause purchasers to view ROUGE as modifying GALA, rather than as describing the wine. ... The mere grammatical coherence of "red gala" does not suffice to make GALA ROUGE a unitary expression in the eyes of purchasers.

Id. at 1288. Here, by contrast, the slang meaning of THE COOLER COMPANY – a company cooler than other companies – is obvious. Applicant uses THE COOLER COMPANY as a double entendre not simply because of its "grammatical coherence," but because it suggests a positive aspect of Applicant's business.

The other case cited by the Examining Attorney for this point, *In re RiseSmart*, 104 U.S.P.Q.2d 1931 (T.T.A.B. 2012), is also distinguishable. There, the Board required the applicant to disclaim "TALENT" in its mark, TALENT ASSURANCE for personnel placement and recruitment services. It rejected the applicant's double entendre claim because the two alleged meanings of "TALENT" were essentially the same, and therefore, the descriptive significance of that term was not "lost in the mark as a whole." *Id.* at 1934. The two meanings of THE COOLER COMPANY are quite different, and both are evident to consumers.

In addition, the Examining Attorney relies, as he did in his previous rejections, on *In re The Phone Co., Inc.*, 218 U.S.P.Q. 1027 (T.T.A.B. 1983), which he calls "the seminal case." In *The Phone Co.*, the Board found that THE PHONE COMPANY was merely descriptive for the applicant's telephone products. The applicant did not claim that its mark was a double entendre –

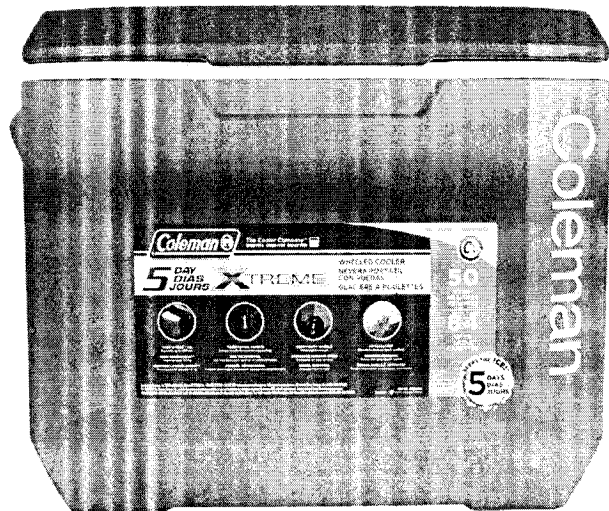
because it was not. "PHONE" has only one meaning. "COOLER" has two. *The Phone Co.* is not relevant to the present situation.

By contrast, the several cases cited in Applicant's opening brief are on point, and confirm that an inventive double entendre such as THE COOLER COMPANY is not merely descriptive. *See, e.g., In re Delaware Punch Company*, 186 U.S.P.Q. 63 (T.T.A.B. 1975) (THE SOFT PUNCH not merely descriptive for noncarbonated soft drink); *In re Delta T Corp.*, Serial No. 85310163, 2012 WL 5196152 (T.T.A.B. Sept. 24, 2012) (non-precedential) (SMASHINGLY DURABLE not merely descriptive for fans).

II. Applicant's Mark is in Use.

In his appeal brief, the Examining Attorney emphasizes, for the first time, his belief that Applicant's mark is not in use. Even if this were true, it would not matter, because the double entendre in Applicant's mark is apparent from the face of the mark itself. In any event, Applicant's mark is in use.

As discussed in Applicant's opening brief, Applicant uses THE COOLER COMPANY in promotional materials, including its website and a recent advertisement in *Outside Magazine*. [Br., pp. 3-4] These materials highlight the dual meanings of THE COOLER COMPANY. Moreover, since approximately January 2012, this mark has appeared on goods identified in the present application. Below is one of Applicant's coolers bearing THE COOLER COMPANY mark, which are sold throughout the United States, followed by a close-up image of the label:



Applicant filed an amendment to allege use on August 21, 2013.²

Thus, the Examining Attorney's statement that "there is no use in commerce" is both inapposite and incorrect.

² Applicant also filed a request to divide because the mark is not yet in use for all goods identified in the application. Applicant also deleted certain goods from the application.

CONCLUSION

Any doubts regarding the distinctiveness of THE COOLER COMPANY must be resolved in favor of Applicant. *In re Intelligent Medical Systems Inc.*, 5 U.S.P.Q.2d 1674, 1676 (T.T.A.B. 1987); *In re Conductive Systems, Inc.*, 220 U.S.P.Q. 84, 86 (T.TAB 1983). For the reasons discussed above, and in Applicant's opening brief, THE COOLER COMPANY is an inventive double entendre. This mark has two distinct meanings that are readily apparent to consumers, and at least one of the meanings is not merely descriptive. Therefore, THE COOLER COMPANY is a distinctive trademark entitled to registration on the Principal Register.

Date: August 21, 2013

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

/Seth I. Appel/

Janet A. Marvel
Seth I. Appel

Attorneys for Applicant

CERTIFICATE OF ELECTRONIC FILING

I, Seth I. Appel, an attorney for Applicant, hereby certify that a copy of the foregoing **APPLICANT'S REPLY BRIEF** was electronically transmitted to the Trademark Trial and Appeal Board on this 21st day of August, 2013.

/Seth I. Appel/
Seth I. Appel

ESTTA Tracking number: **ESTTA555318**

Filing date: **08/21/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	85520148
Applicant	The Coleman Company, Inc.
Applied for Mark	THE COOLER COMPANY
Correspondence Address	JANET A MARVEL PATTISHALL MCAULIFFE NEWBURY HILLIARD ET AL 311 SOUTH WACKER DRIVE, SUITE 5000 CHICAGO, IL 60606 UNITED STATES jam@pattishall.com, sia@pattishall.com, lkn@pattishall.com, sms@pattishall.com
Submission	Notice of amendment to allege use and request to divide
Attachments	Notice.pdf(6414 bytes)
Filer's Name	Seth I. Appel
Filer's e-mail	sia@pattishall.com, jam@pattishall.com, lkn@pattishall.com
Signature	/Seth I. Appel/
Date	08/21/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 85520148

Mark: THE COOLER COMPANY

Applicant: The Coleman Company, Inc.

Filing Date: January 19, 2012

NOTICE OF AMENDMENT TO ALLEGE USE AND REQUEST TO DIVIDE

On August 21, 2013, Applicant The Coleman Company, Inc. filed an amendment to allege use and a request to divide regarding the application at issue in this *ex parte* appeal.

Date: August 21, 2013

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

/Seth I. Appel/

Janet A. Marvel
Seth I. Appel

Attorneys for Applicant

CERTIFICATE OF ELECTRONIC FILING

I, Seth I. Appel, an attorney for Applicant, hereby certify that a copy of the foregoing **NOTICE OF AMENDMENT TO ALLEGE USE AND REQUEST TO DIVIDE** was electronically transmitted to the Trademark Trial and Appeal Board on this 21st day of August, 2013.

/Seth I. Appel/

Seth I. Appel

Trademark/Service Mark Request to Divide

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85520148
LAW OFFICE ASSIGNED	LAW OFFICE 101
EXTENSION OF USE	NO
MARK SECTION	
MARK	THE COOLER COMPANY
REQUEST TO DIVIDE	YES
GOOD(S)/SERVICE(S) IN USE	Food and drink containers for domestic use; portable water carriers, namely, jugs sold empty; portable coolers and jugs of both rigid and fabric construction
GOOD(S)/SERVICES INTENT TO USE	Insulating sleeve holders for beverage cans
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Kelly S.K. Elsea/
SIGNATORY'S NAME	Kelly S.K. Elsea
SIGNATORY'S POSITION	IP Counsel
DATE SIGNED	08/21/2013
REQUEST TO DIVIDE SIGNATURE	/Seth I. Appel/
SIGNATORY'S NAME	Seth I. Appel
SIGNATORY'S POSITION	Attorney of record, IL and CA bar member
DATE SIGNED	08/21/2013
AUTHORIZED SIGNATORY	YES
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
REQUEST TO DIVIDE FEE	100

NUMBER OF CLASSES REQUIRING NEW APPLICATION FEE	1
SUBTOTAL AMOUNT [NEW APPLICATION FEE]	325
TOTAL AMOUNT	525
PAYMENT METHOD	DA
FILING INFORMATION	
SUBMIT DATE	Wed Aug 21 14:43:31 EDT 2013
TEAS STAMP	USPTO/AAU-216.55.11.194-2 0130821144331839352-85520 148-500a2914f28e35ec284fe 564b13ee746c5e9b66e4848d1 56ef7b9d61673e03d99-DA-10 62-20130821121316286654

Trademark/Service Mark Request to Divide

To the Commissioner for Trademarks:

MARK: THE COOLER COMPANY

SERIAL NUMBER: 85520148

REQUEST TO DIVIDE

The applicant is requesting to divide the application and specifies the following:

The following good(s) or service(s) is/are now in use: Food and drink containers for domestic use; portable water carriers, namely, jugs sold empty; portable coolers and jugs of both rigid and fabric construction

The following good(s) or service(s) remain(s) under the Section 1(b), intent to use basis: Insulating sleeve holders for beverage cans

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the request to divide fee.

A fee payment in the amount of \$325 will be submitted with the form, representing payment for the new application fee for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Kelly S.K. Elsea/ Date Signed: 08/21/2013

Signatory's Name: Kelly S.K. Elsea

Signatory's Position: IP Counsel

Request to Divide Signature:

Signature: /Seth I. Appel/ Date Signed: 08/21/2013

Signatory's Name: Seth I. Appel

Signatory's Position: Attorney of record, IL and CA bar member

Serial Number: 85520148

Internet Transmission Date: Wed Aug 21 14:43:31 EDT 2013

TEAS Stamp: USPTO/AAU-216.55.11.194-2013082114433183

9352-85520148-500a2914f28e35ec284fe564b1

3ee746c5e9b66c4848d156ef7b9d61673e03d99-

DA-1062-20130821121316286654

FEE RECORD SHEET

Serial Number: 85520148



RAM Sale Number: 85520148

Total Fees: \$525

RAM Accounting Date: 20130822

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Amendment to Allege Use (AAU)	7002	20130821	\$100	1	\$100
Request to Divide (per new app.)	7006	20130821			\$100
New Application	7001	20130821	\$325	1	\$325

Transaction Date: 20130821



Trademark/Service Mark Amendment to Allege Use (15 U.S.C. Section 1051(c))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85520148
LAW OFFICE ASSIGNED	LAW OFFICE 101
EXTENSION OF USE	NO
MARK SECTION	
MARK	THE COOLER COMPANY
OWNER SECTION	
NAME	The Coleman Company, Inc.
STREET	IP Legal Dept. 11702
CITY	Wichita
STATE	Kansas
ZIP/POSTAL CODE	67219
COUNTRY	United States
PHONE	316-219-7352
FAX	316-219-5295
EMAIL	kelsea@coleman.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	021
CURRENT IDENTIFICATION	Food and drink containers for domestic use; portable water carriers, namely, reusable plastic water bottles and jugs sold empty; insulating sleeve holders for beverage cans; squeeze bottles sold empty; dispensers for disposable cups; portable coolers and jugs of both rigid and fabric construction
GOODS OR SERVICES DELETED	

FROM THE APPLICATION OR INCLUDED IN A REQUEST TO DIVIDE	Insulating sleeve holders for beverage cans; reusable plastic water bottles; squeeze bottles sold empty; dispensers for disposable cups
GOODS OR SERVICES IN USE IN COMMERCE	Food and drink containers for domestic use; portable water carriers, namely, jugs sold empty; portable coolers and jugs of both rigid and fabric construction
FIRST USE ANYWHERE DATE	01/31/2012
FIRST USE IN COMMERCE DATE	01/31/2012
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<u>SPN0-2165511194-121316286 . specimen.pdf</u>
CONVERTED PDF FILE(S) (1 page)	<u>\\TICRS\EXPORT16\IMAGEOUT16\855\201\85520148\xml9\AAU0002.JPG</u>
SPECIMEN DESCRIPTION	Product image
REQUEST TO DIVIDE	YES
GOOD(S)/SERVICE(S) IN USE	Food and drink containers for domestic use; portable water carriers, namely, jugs sold empty; portable coolers and jugs of both rigid and fabric construction
GOOD(S)/SERVICES INTENT TO USE	Insulating sleeve holders for beverage cans
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
REQUEST TO DIVIDE FEE	100
NUMBER OF CLASSES REQUIRING NEW APPLICATION FEE	1
SUBTOTAL AMOUNT [NEW APPLICATION FEE]	325
TOTAL AMOUNT	525
SIGNATURE SECTION	
DECLARATION	

SIGNATURE	/Kelly S.K. Elsea/
SIGNATORY'S NAME	Kelly S.K. Elsea
SIGNATORY'S POSITION	IP Counsel
DATE SIGNED	08/21/2013
SIGNATORY'S PHONE NUMBER	316-219-7352
REQUEST TO DIVIDE SIGNATURE	/Seth I. Appel/
SIGNATORY'S NAME	Seth I. Appel
SIGNATORY'S POSITION	Attorney of record, IL and CA bar member
DATE SIGNED	08/21/2013
SIGNATORY'S PHONE NUMBER	(312) 554-8000
AUTHORIZED SIGNATORY	YES
FILING INFORMATION	
SUBMIT DATE	Wed Aug 21 14:43:31 EDT 2013
TEAS STAMP	USPTO/AAU-216.55.11.194-2 0130821144331839352-85520 148-500a2914f28c35ec284fe 564b13ec746c5e9b66e4848d1 56cf7b9d61673c03d99-DA-10 62-20130821121316286654

**Trademark/Service Mark Amendment to Allege Use
(15 U.S.C. Section 1051(c))**

To the Commissioner for Trademarks:

MARK: THE COOLER COMPANY
SERIAL NUMBER: 85520148

The applicant, The Coleman Company, Inc., having an address of
IP Legal Dept. 11702
Wichita, Kansas 67219
United States

is submitting the following allegation of use information:

For International Class 021:

Current identification: Food and drink containers for domestic use; portable water carriers, namely, reusable plastic water bottles and jugs sold empty; insulating sleeve holders for beverage cans; squeeze bottles sold empty; dispensers for disposable cups; portable coolers and jugs of both rigid and fabric construction

This **allegation of use** does **NOT** cover the following goods or services listed in either the application or Notice of Allowance or as subsequently modified for this specific class; these goods or services are either being **permanently deleted or included in a Request to Divide**: Insulating sleeve holders for beverage cans; reusable plastic water bottles; squeeze bottles sold empty; dispensers for disposable cups

The mark is in use in commerce on or in connection with the following goods or services listed in either the application or Notice of Allowance or as subsequently modified for this specific class: Food and drink containers for domestic use; portable water carriers, namely, jugs sold empty; portable coolers and jugs of both rigid and fabric construction

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 01/31/2012, and first used in commerce at least as early as 01/31/2012, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Product image.

Original PDF file:

SPN0-2165511194-121316286 . specimen.pdf

Converted PDF file(s) (1 page)

Specimen File1

REQUEST TO DIVIDE

The applicant is requesting to divide the application and specifies the following:

The following good(s) or service(s) is/are now in use: Food and drink containers for domestic use;

portable water carriers, namely, jugs sold empty; portable coolers and jugs of both rigid and fabric construction

The following good(s) or service(s) remain(s) under the Section 1(b), intent to use basis: Insulating sleeve holders for beverage cans

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the request to divide fee.

A fee payment in the amount of \$325 will be submitted with the form, representing payment for the new application fee for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Kelly S.K. Elsea/ Date Signed: 08/21/2013

Signatory's Name: Kelly S.K. Elsea

Signatory's Position: IP Counsel

Signatory's Phone: 316-219-7352

Request to Divide Signature

Signature: /Seth I. Appel/ Date: 08/21/2013

Signatory's Name: Seth I. Appel

Signatory's Position: Attorney of record, IL and CA bar member

Signatory's Phone: (312) 554-8000

RAM Sale Number: 85520148

RAM Accounting Date: 08/22/2013

Serial Number: 85520148

Internet Transmission Date: Wed Aug 21 14:43:31 EDT 2013

TEAS Stamp: USPTO/AAU-216.55.11.194-2013082114433183

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Coleman

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5 DAY
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CON RUEDAS
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Lightweight and
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for portability



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for food and
beverage storage



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beverage storage



Easy to use
handle for
portability



84

KEEPS THE ICE!
5 DAY
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United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: September 4, 2013

In re The Coleman Company,
Inc.

Serial No. 85520148

Filed: 1/19/2012

JANET A MARVEL
PATTISHALL MCAULIFFE NEWBURY HILLIARD ET AL
311 SOUTH WACKER DRIVE
SUITE 5000
CHICAGO, IL 60606

Amy Matelski, Paralegal Specialist:

Applicant's amendment to allege use, request to divide and reply brief filed August 21, 2013 are noted.

The appeal is suspended and the file is herewith remanded to the Trademark Examining Attorney for examination of the amendment to allege use and request to divide and consideration of the reply brief. After the Examining Attorney's issuance of either an acceptance and/or ultimate denial¹ of the amendment and request to divide, the file should be returned to the Board, the appeal will be resumed and the Board will take appropriate action.

¹ In this connection, the amendment to allege use should be treated as a new issue, such that any refusal to allow registration cannot be made final until applicant has been given an opportunity to respond.

From: Goodsaid, Ira

Sent: 9/8/2013 6:17:18 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 85520148 - THE COOLER COMPANY - N/A - Request for
Reconsideration Denied - Return to TTAB - Message 4 of 4

Attachment Information:

Count: 1

Files: company-8.jpg

- companion
- companionship
- companionship
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- companionships
- companionships
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- Companys on
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- Online

From: Goodsaid, Ira

Sent: 9/8/2013 6:17:18 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 85520148 - THE COOLER COMPANY - N/A - Request for
Reconsideration Denied - Return to TTAB - Message 3 of 4

Attachment Information:

Count: 4

Files: company-4.jpg, company-5.jpg, company-6.jpg, company-7.jpg

steel company - a company that makes and sells steel
subsidiary company, sub-sidiary - a company that is completely controlled by another company
transportation company - a company providing transportation
institution, establishment - an organization founded and united for a specific purpose
distributor - a company that markets merchandise: "his company is a large distributor of software products"
oil company - a company that sells oil
packaging company, packaging concern - a company that packages goods for sale or shipment or storage
pipeline company - a company that operates oil pipelines for the oil industry
printing business, printing company, printing concern - a company that does commercial printing
corporate investor - a company that invests in (acquires control of) other companies
takeover target, target company - a company that has been chosen as attractive for takeover by a potential acquirer
white knight - a company that is a friendly acquirer in a takeover
Ltd., limited company, Ltd. - a company that is organized to give its owners limited liability
holding company - a company with controlling shares in other companies
service - a company or agency that performs a public service; subject to government regulation
livery company - one of the chartered companies of London originating with the craft guilds
open shop - a company whose workers are hired without regard to their membership in a labor union
closed shop - a company that hires only union members
union shop - a company allowed to hire nonunion workers on the condition that they will join the union within a specified time
stock company - a company whose capital is represented by stock
joint-stock company - a company (usually unincorporated) which has the capital of its members pooled in a common fund; transferable shares represent ownership interest, shareholders are legally liable for all debts of the company
record company - a company that makes and sells musical recordings
moving company, public mover, removal company, removal firm, mover - a company that moves the possessions of a family or business from one site to another
think factory, think tank - a company that does research for hire and issues reports on the implications
shipper - a company in the business of shipping freight
2. company - small military unit; usually two or three platoons
army unit - a military unit that is part of an army
armed forces, armed services, military, military machine, war machine - the military forces of a nation, "their military is the largest in the region", "the military machine is the same one we faced in 1991 but now it is weaker"
battle group - an army unit usually consisting of five companies
battalion - an army unit usually consisting of a headquarters and three or more companies

Companies

platoon - a military unit that is a subdivision of a company; usually has a headquarters and two or more squads; usually commanded by a lieutenant
trainband - a company of militia in England or America from the 16th century to the 18th century

3. **company** - the state of being with someone; "he missed their company"; "he enjoyed the society of his friends"

companionship, fellowship, society

freemasonry - a natural or instinctive fellowship between people of similar interests; "he enjoyed the freemasonry of the Press"

friendly relationship, friendship - the state of being friends (or friendly)



4. **company** - organization of performers and associated personnel (especially theatrical); "the traveling company all stayed at the same hotel"

troupe

organization, organisation - a group of people who work together

opera company - a company that produces operas

theater company - a company that produces plays

ballet company - a company that produces ballets

Greek chorus, chorus - a company of actors who comment (by speaking or singing in unison) on the action in a classical Greek play

circus - a travelling company of entertainers; including trained animals; "he ran away from home to join the circus"

minstrel show - a troupe of performers in blackface typically giving a comic program of negro songs and jokes

minstrelsy - a troupe of minstrels

cast, cast of characters, dramatis personae - the actors in a play

5. **company** - a social or business visitor; "the room was a mess because he hadn't expected company"

caller

visitant, visitor - someone who visits



6. **company** - a social gathering of guests or companions; "the house was filled with company when I arrived"

attendance - the number of people that are present; "attendance was up by 50 per cent"

cohort - a company of companions or supporters

social affair, social gathering - a gathering for the purpose of promoting fellowship

number - a select company of people; "I hope to become one of their number before I die"

7. **company** - a band of people associated temporarily in some activity; "they organized a party to search for food"; "the company of cooks walked into the kitchen"

party

band, circle, lot, set - an unofficial association of people or groups; "the smart set goes there"; "they were an angry lot"

fatigue party - a group of soldiers on fatigue duty

band of brothers - a band of people's company organized for mutual aid or action

landing party - a part of a ship's company organized for special duties ashore
party to the action, party to the transaction - a party of people taking a role in legal proceedings
rescue party - a party of rescuers
search party - a party of people to search for someone
stretcher party - a party of people with stretchers to carry an injured person
war party - a band of warriors who raid or fight an enemy (used especially of Native Americans)

8. company - crew of a ship; including the officers, the whole force or personnel of a ship

ship's company

full complement, complement - number needed to make up a whole force; "a full complement of workers"

crew - the men and women who man a vehicle (ship, aircraft, etc.)

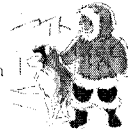
9. company - a unit of firefighters including their equipment; "a hook-and-ladder company"

social unit, unit - an organization regarded as part of a larger social group; "the coach said the offensive unit did a good job"; "after the battle the soldier had trouble rejoining his unit"

Verb 1. company - be a companion to somebody

companion, keep company, accompany

affiliate, assort, consort, associate - keep company with; hang out with; "He associates with strange people"; "She affiliates with her colleagues"



Based on: WordNet 3.0, Farlex client collection, © 2003-2010 Princeton University, Farlex, Inc.

company

noun

1. [business, firm, association, corporation, partnership, establishment, syndicate, house, concern] *She worked as a secretary in an insurance company.*
2. [group, troupe, set, community, league, band, crowd, camp, collection, gathering, circle, crew, assembly, convention, ensemble, throng, coterie, bivy, assemblage, party, body] *He was a notable young actor in a company of rising stars.*
3. [troop, unit, squad, team] *The division consists of two tank companies and one infantry company.*
4. [companionship, society, presence, fellowship] *I would be grateful for your company on the drive back.*
5. [guests, party, visitors, callers] *Oh, I'm sorry, I didn't realise you had company.*

Quotations

"Every man is like the company he is wont to keep" [Euripides *Phoenix*]

"A wise man may look ridiculous in the company of fools" [Thomas Fuller *Gnomologia*]

"Tell me thy company, and I'll tell thee what thou art" [Miguel de Cervantes *Don Quixote*]

Proverbs

"A man is known by the company he keeps"

"Two is company, three's a crowd"

Translations

Select a language: ▼ ----- ▼

company (ˈkʌmpəni) – plural **'companies** – noun

1. a number of people joined together for a (commercial) purpose. *a guests-manufacturing company*
2. guests. *I'm expecting company tonight.*
3. companionship. *I was grateful for her company; She's always good company.*
4. a group of companions. *He got into bad company.*
5. a large group of soldiers, especially part of an infantry battalion.

keep (someone) company

to go, stay etc with (someone). *I'll come too, and keep you company.*

part company (with)

to leave or separate. *They parted company (with each other) at the bus stop.*

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company →

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How Savvy Can Scoop Up Free \$20,000 Checks (See if You Qualify).



Men are finding an unknown testosterone booster.

From: Goodsaid, Ira

Sent: 9/8/2013 6:17:18 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 85520148 - THE COOLER COMPANY - N/A - Request for
Reconsideration Denied - Return to TTAB - Message 1 of 4

Attachment Information:

Count: 4

Files: cooler-1.jpg, cooler-2.jpg, cooler-3.jpg, 85520148.doc

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

U.S. APPLICATION SERIAL NO. 85520148

MARK: THE COOLER COMPANY



CORRESPONDENT ADDRESS:

Janet A. Marvel

PATTISHALL, MCAULIFFE, NEWBURY, HILLIARD

200 South Wacker Drive, Suite 2900

CHICAGO IL 60606-6631

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/trademarks/index.jsp>

APPLICANT: The Coleman Company, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

jmarvel@pattishall.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 9/8/2013

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.64(b); TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a). The refusal made final in the Office action dated 10/29/2012 is maintained and continues to be final. See TMEP §§715.03(a)(2)(B), (a)(2)(E), 715.04(a). The issue was also more thoroughly explained in the Examiner's Brief submitted 8/1/2013.

In the present case, applicant's request has not resolved the outstanding issue, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issue. Accordingly, the request is denied.

The filing of a request for reconsideration does not extend the time for filing a proper response to a final Office action or an appeal with the Trademark Trial and Appeal Board (Board), which runs from the date the final Office action was issued/mailed. See 37 C.F.R. §2.64(b); TMEP §715.03, (a)(2)(B), (a)(2)(E), (c).

The Board will be notified to resume the appeal. See TMEP §715.04(a).

The Amendment to Allege Use (AAU) is acceptable insofar as it shows use of the applied-for mark on the goods. The fact that there is use in commerce does not change the fact that THE COOLER COMPANY is merely descriptive (arguably aptly descriptive) of the goods, which include coolers and related items. Note that attached definition of "cooler" from *The Free Dictionary* by Farlex:

A device, container, or room that cools or keeps cool.

Also note the definition of "company" from the same source:

A business enterprise; a firm.

The applicant is a business enterprise offering coolers identified by THE COOLER COMPANY. The specimen submitted with the AAU shows a cooler with the COLEMAN mark on it and XTREME appearing as a mark for the particular type of cooler. THE COOLER COMPANY appears in much smaller type font.

There is no other wording on the specimen which suggests anything other than the ordinary meaning of the words, THE COOLER COMPANY – a company that sells coolers. Since the meaning must be construed in the context of the goods at issue (coolers et al), the proposed mark is simply the combination of generic terms for the goods and the entity offering those goods.

/Ira Goodsaid/

Law Office 101

571-272-9166

ira.goodsaid@uspto.gov



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Thesaurus

Translations

Word Frowser

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Introducing Chromebook: 2.4 pounds light, 0.7 inches thin
For \$249

AdChoices

cooler (kooler)

n.

1. A device, container, or room that cools or keeps cool.
2. A cold drink, often a mixture of white wine and juice.
3. *Slang* A jail.

The American Heritage Dictionary of the English Language, Fourth Edition copyright ©2000 by Houghton Mifflin Company. Updated in 2009. Published by Houghton Mifflin Company. All rights reserved.

Iron Deficiency Anemia

Learn more about IDA and hear from experts and patients.



AdChoices

LYST



Buy

cooler (kooler)

n.

1. (Engineering / Mechanical Engineering) a container, vessel, or apparatus for cooling, such as a heat exchanger.
2. a slang word for *prison*.
3. (Miscellaneous Technologies: Brewing) a drink consisting of wine, fruit juice, and carbonated water.

Online English Dictionary - Complete and Unabridged © Harcourt Publishers 1991, 1994, 1998, 2000, 2002

Extruded Fin Tubes

Extruded Aluminum Fin Tubes, Air Cooled Heat Exchangers, Finning



AdChoices

cooler (kooler)

EXT

Printer friendly Feedback
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Scary Brain Trick



This weird trick is used by major companies to teach their employees a new language. Read More

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- n.*
1. a container, as an insulated chest, for keeping something cool.
 2. a tall, iced, usu. alcoholic drink.
 3. water cooler.
 4. Slang jail.

[1565-75]

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Thesaurus

Legend: |Synonyms|Related Words|Antonyms

Noun 1. cooler - a refrigerator for cooling liquids

ice chest

icebox, refrigerator - white goods in which food can be stored at low temperatures

2. cooler - an iced drink especially white wine and fruit juice

beverage, drinkable, potable, drink - any liquid suitable for drinking: "may I take your beverage order?"

3. cooler - a cell for violent prisoners

lock

jail cell, prison cell, cell - a room where a prisoner is kept

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Translations

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LYST



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[common plum](#)

References in classic literature

So I abandoned the Shark voyage and sought a cooler climate.

[John Barleycorn](#) by [London](#) [Jack](#) [View in context](#)

The harvesters slept in the hayloft because it was cooler there than in the house.

[My Antonia](#) by [Cather](#) [Willia](#) [View in context](#)

This is writing only to Frenchmen and to Papists, a Protestant would be desirous to know why he must imagine that Father du Bernat had a cooler head or more knowledge, and why one man whose account is singular is not more likely to be mistaken than many agreeing in the same account.

[A Voyage to Abyssinia](#) by [Lot of](#) [Father](#) [View in context](#)

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From: Goodsaid, Ira

Sent: 9/8/2013 6:17:18 PM

To: TTAB EFiling

CC:

Subject: U.S. TRADEMARK APPLICATION NO. 85520148 - THE COOLER COMPANY - N/A - Request for
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New Laptop from Google
Introducing Chromebook 2.4 pounds light 10.7 inches thin
For \$249

AdChoices

com·pa·ny (kəm'pā-nē)

n. pl. com·pa·nies

1. A group of persons. See Synonyms at band².
2.
 - a. One's companions or associates; *moved in fast company; is known by the company she keeps*
 - b. A guest or guests; *had company for the weekend*
 - c. The state of friendly companionship, fellowship; *was grateful for her company; friends who finally parted company.*
3.
 - a. A business enterprise; a firm.
 - b. A partner or partners not specifically named in a firm's title; *Lee Rogers and Company*
4. A troupe of dramatic or musical performers; *a repertory company*
5.
 - a. A subdivision of a military regiment or battalion that constitutes the lowest administrative unit; it is usually under the command of a captain and is made up of at least two platoons.
 - b. A unit of firefighters
6. A ship's crew and officers. See Usage Note at [collective noun](#).

tr.v. com·pa·nied, com·pa·ny·ing, com·pa·nies

To accompany or associate with

[Middle English *compaignie*, from Old French *compaignie*, from Vulgar Latin **compagnia*, from **compagnis*, *companion*; see *companion*¹.]

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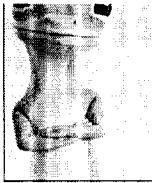
1 Tip for a tiny belly :
Cut down a bit
of your belly
everyday by
following this
1 weird old tip.
Tip

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company [kəmˈpəni]

n **pl** -nies

1. a number of people gathered together; assembly
2. the fact of being with someone; companionship *I enjoy her company*
3. a social visitor or visitors; guest or guests
4. (Business / Commerce) a business enterprise
5. (Business / Commerce) the members of an enterprise not specifically mentioned in the enterprise's title Abbreviations **Co. co**
6. (Performing Arts / Theatre) a group of actors, usually including business and technical personnel
7. (Military) a unit of around 100 troops, usually comprising two or more platoons
8. (Transport / Nautical Terms) the officers and crew of a ship
9. (Non-sporting Hobbies / Other Non-sporting Hobbies) a unit of Girl Guides
10. (Historical Terms) *English history* a medieval guild

keep or bear company

- a. to accompany (someone)
- b. (esp of lovers) to associate with each other; spend time together

part company

- a. to end a friendship or association, esp as a result of a quarrel; separate
- b. (*fall by with*) to leave; go away (from); be separated (from)

vb -nies, -nying, -nied

Archaic to keep company or associate (with someone)

[from Old French *compaignie*, from *compain* companion, fellow, from Late Latin *compāniō*; see COMPANION¹]

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com•pany (kəm ˈpə ni)

n , **pl** -nies, *n*.

1. a number of individuals assembled or associated together, group of people.
2. a guest or guests: *We're having company tonight.*
3. companionship; fellowship; association: *We always enjoy her company.*
4. one's usual companions: *I dislike the company you keep.*
5. a number of persons united or incorporated for joint action, esp. for business: *a publishing company; a dance company.*
6. (*cap*) the partners of a firm not specified in its title *Jones & Company*.
7.
 - a. a basic unit of troops comprising a headquarters and two or three platoons.
 - b. any relatively small group of soldiers.
8. the Company, *Informal* the CIA.
9. a unit of firefighters.

v.t.

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LYST



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10. *Archaic.* to associate.

v.t.

11. *Archaic.* to accompany.

Idioms:

1. **keep company,**

- a. to associate in or as if in courtship: *She keeps company with a teacher.*
- b. (of a couple) to spend time together regularly; go out on dates, as in courtship.

2. **keep someone company,** to associate with or be a companion to someone.

3. **part company,**

- a. to separate: *We parted company at the airport.*
- b. to cease association or friendship.
- c. to take an opposite view; differ.

[1200-50, Middle English < Anglo-French, Old French *compaignie* companionship, derivative of *compain* < Late Latin *compāno*]

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Company *Examples:* company of actors [often used collectively as "the company"]; of apostles, 1548; of fair maidens, 1325; of fowls, 1393; of fine glasses, 1621; of islands, 1677; of moles; of musicians; of parrots; of players; of prophets; of small roots, 1577; of ships [merchant fleet]; of soldiers; of turbot, 1864; of widgeon, 1856.

Dictionary of Collective Nouns and Group Terms. Copyright 2006 The Gale Group, Inc. All rights reserved.

Thesaurus

Legend: [Synonyms] [Related Words] [Antonyms]

Noun 1. **company** - an institution created to conduct business; "he only invests in large well-established companies"; "he started the company in his garage"

broadcasting company - a company that manages tv or radio stations

bureau de change - (French) an establishment where you can exchange foreign money

auto company, car company - a company that makes and sells automobiles

dot.com, dot.com company, dot-com - a company that operates its business primarily on the internet using a URL that ends in ".com"

drug company, pharma, pharmaceutical company - a company that makes and sells pharmaceuticals

East India Company - an English company formed in 1600 to develop trade with the new British colonies in India and southeastern Asia; in the 18th century it assumed administrative control of Bengal and held it until the British army took over in 1858 after the Indian Mutiny

electronics company - a company that makes and sells electronic instruments

film company - a company that makes, advertises, and distributes movies

food company - a company that processes and sells food

furniture company - a company that sells furniture

mining company - a company that owns and manages mines

shipping company - a company that provides shipping services

stock exchange - a company that buys and sells stock



United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: September 10, 2013

In re The Coleman Company,
Inc.

Serial No. 85520148

Filed: 1/19/2012

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CHICAGO, IL 60606

In view of the decision by the Trademark Examining
Attorney on September 8, 2013, the appeal is resumed. A
decision will be rendered in due course.